



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY TRAINING CENTER AND FORT JACKSON
FORT JACKSON, SC 29207

REPLY TO
ATTENTION OF

ATZJ-CG

3 June 2004

MEMORANDUM FOR SEE DISTRIBUTION

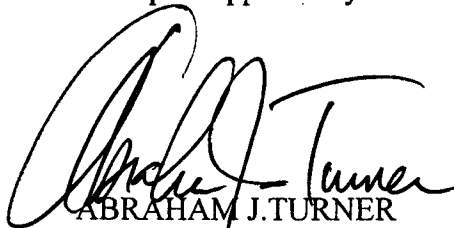
SUBJECT: Policy Memorandum 6-1 – Prevention, Investigation and Report of Sexual Harassment and Sexual Misconduct

1. All Soldiers are entitled to have their personal dignity and physical security respected and protected. Our goal is an Army Training Center free of sexual harassment and sexual misconduct and their harmful consequences. Every Soldier must understand that sexual harassment and sexual misconduct are forms of behavior that are incompatible with military service.
2. Unfortunately, sexual harassment and more serious forms of sexual assault do occur. The Uniform Code of Military Justice (Article 93), Army Regulation 600-20 (Army Command Policy), and Fort Jackson Regulation 600-20 (Prohibited Practices) all provide standards to define and prohibit sexual harassment. Soldiers must understand these required standards of personal behavior. Commanders must ensure that their units' Equal Opportunity and Professional Development Training Programs teach these standards so that they are fully understood and accepted. One goal is to inculcate Soldiers with Army values. We must create an environment that focuses on the prevention of sexual harassment and sexual misconduct, and one in which all Soldiers know their responsibilities for proper behavior and reporting improper behavior. Sexual harassment complaints will be investigated, and commanders have the full range of administrative and UCMJ actions available to them to address/resolve these complaints.
3. Upon receipt of a sexual harassment complaint, the commander must respond promptly. When an allegation is made, leaders must ensure that the allegation is swiftly reported to the commander. Company commanders will ensure the battalion commanders are immediately informed of all allegations. Company commanders must then make factual inquiry a priority. Under Rules for Court Martial (RCM), commanders must conduct a preliminary inquiry into any reported misconduct by members of their command. The preliminary inquiry may be sufficient to resolve the allegations and then, if necessary, correct or impose sanctions for misconduct. It may reveal the need for additional investigation by Military Police/CID or by a more structured investigative process such as an AR 15-6 investigation. Serious incidents of sexual assault involving rape, physical assault or injury must be reported to the Military Police and immediate treatment sought at an Army medical treatment facility. Victims must be given an opportunity to make a full report as soon as possible with consideration for the appropriate treatment of the victim. One special circumstance about sexual harassment allegations must be considered: victims may feel reluctant or embarrassed to report sexual details or their own behavior to investigators of a different gender, and an investigator of the same gender or a trained professional may be more successful in obtaining a full and complete initial report which is critical to a successful inquiry.

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4. Under any form of investigation, ultimately THE COMPANY COMMANDER MUST:
 - a. Act swiftly to determine the facts and report them immediately to the Battalion Commander;
 - b. Contact the Brigade EOA for assistance (IAW AR 600-20);
 - c. Refer to appropriate police agencies for support, if necessary;
 - d. Ensure appropriate treatment of the victim;
 - e. Ensure proper treatment of a suspect's rights under Article 31, UCMJ;
 - f. Consult with the unit trial counsel;
 - g. Review the facts and take appropriate action (such as return for further investigation, take no action, take administrative actions, take UCMJ action); and
 - h. Provide feedback to the complainant in accordance with AR 600-20.
5. Reprisal is a serious issue and its effects are devastating to unit cohesion, morale, and the command climate. Commanders will ensure that Soldiers filing Sexual Harassment complaints are protected from reprisal or retaliation. Acts or threats of reprisal will be immediately reported to the Department of Defense (DOD) IG at 1-800-424-9098 or www.dodig.osd.mil/HOTLINE. If allegations of reprisal are made to any agency authorized to receive formal EO complaints, the agency should refer the complaint to the DOD IG. I strongly encourage Soldiers and alternative agencies to simultaneously report such threats or acts to the appropriate chain of command as well.
6. The proponent for this policy is the Fort Jackson Equal Opportunity Staff Office, ATZJ-EO, 751-4916/7163.


ABRAHAM J. TURNER
Brigadier General, U.S. Army
Commanding

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